

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Michael McKinnon

Docket No. 7:01-CR-43-1F

Petition for Action on Supervised Release

COMES NOW Robert K. Britt, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Michael McKinnon, who, upon an earlier plea of guilty to Possession of a Firearm by a Convicted Felon in violation of 18 U.S.C. § 922(g)(1), Distribution of at Least 5 Grams of Cocaine Base (Crack) in violation of 21 U.S.C. § 841(a)(1), and Distribution of Cocaine Base (Crack) and Aiding and Abetting in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on December 10, 2001, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
2. The defendant shall participate in such vocational training program as may be directed by the probation office.
3. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
4. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
5. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
6. The defendant shall complete his GED while on supervised release.

Michael McKinnon was released from custody on January 15, 2010, at which time the term of supervised release commenced.

On October 13, 2010, Mr. Kinnon was charged in Robeson County, North Carolina, with Driving While License Revoked and Speeding 73/55 (10CR710483). On June 3, 2011, Mr. McKinnon was again charged with Driving While License Revoked (11CR706486) in Robeson County. On June 20, 2011, Mr. McKinnon was charged again with Driving While License Revoked (11CR707151). Additionally, on September 7, 2011,

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he was charged in Robeson County with another count of Driving While License Revoked (11CR710469). On September , 2011, the court was advised of these four charges of Driving While License Revoked and ordered him to serve 4 days in jail. He completed that sanction. On January 1, 2012, Mr. McKinnon was again charged in Robeson County, North Carolina, with Driving While License Revoked (12CR700000). As a sanction for that violation, supervised release was modified to include that he complete 24 hours of community service. He completed that sanction. On March 16, 2012, in Robeson County, North Carolina, Mr. McKinnon was charged with No Operator's License (12CR703993). He completed another weekend in jail as a sanction for that violation.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

This report is to advise the court that Mr. McKinnon has again been charged with driving without a license. He was charged on September 28, 2012, in Robeson County, North Carolina, with Driving While License Revoked (12CR711277). He admits to this violation and states that his wife had driven her truck into a ditch because she suffers from vision problems at night. After the truck was removed from the ditch, she asked him to drive them home. He was stopped by a member of the NC Highway Patrol who indicates that he had received an accident call to the location. Mr. McKinnon has already served 7 days in confinement as a result of 5 previous driving offenses. He also completed 24 hours of community service for an additional driving violation. It is recommended for this new charge that Mr. McKinnon complete an additional 48 hours of community service. Hopefully, one of the sanctions imposed, eventually will bring about a change in this type conduct. He has signed a waiver agreeing to the proposed modification.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall perform 48 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert K. Britt
Senior U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: October 3, 2012

ORDER OF COURT

Considered and ordered this 3rd day of Oct., 2012, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge